RA 1165 – UK Civil Aviation Authority Oversight of UK Military Registered ►Aircraft◄

Rationale

There may be a requirement to use common spares with civilian operators and have the requirement to transition an ►Aircraft◄ back to the UK Civil Aircraft Register. As the UK Civilian Aviation Authority (UK CAA) have no regulatory authority for ►Aircraft◄ on the UK Military Aircraft Register (UK MAR), not having the oversight arrangements in place may incur Configuration Control issues, impact Continuing Airworthiness (CAw) arrangement, contravene national agreements and impact the ability of the ►Aircraft◄ to return to the UK Civil Aircraft Register. This RA sets out the minimum oversight arrangements required if ►◄ CAA oversight of a UK Military Registered ►Aircraft is invoked.◄

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1165(1) The ►Type Airworthiness (TAw) and CAw◄ arrangements for UK military registered ►Aircraft◄ subject to UK CAA oversight **shall** comply with the MAA Regulatory Publications (MRP) and follow the policy and principles detailed in the UK CAA Civil Aviation Publication (CAP) 562[1] Leaflet B-40.

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1. The Type Airworthiness Authority[2] (TAA) **should** ensure that an assessment of the intended operation of the Air System has been undertaken, and that the TAw and CAw arrangements in particular reflect the difference in Configuration, environment and usage compared to operating the Air System in a civil environment. The TAA **should** make this assessment available to the UK CAA.

2. In consultation with the Aviation Duty Holder (ADH) or Accountable Manager (Military Flying) (AM(MF)) and Release To Service Authority or Sponsor, the TAA **should** endorse a draft Minimum Equipment List (MEL). The MEL **should** be based on the Master MEL (MMEL) and any UK CAA or European Aviation Safety Agency (EASA) MMEL policy documents that reflect the Air System equipment Configurations and intended usage. The TAA **should** forward this to the UK CAA who will carry out an assessment to establish if it satisfies the civil requirements before Approval by the TAA.

3. The TAA ►◄ **should** assess the applicability of all civil mandatory, advisory and deferred instructions (eg Airworthiness Directives and Service Bulletins). A record of the assessment for applicability **should** be kept as an Airworthiness record.

4. The TAA ►◄, **should** ensure that all Modifications are certified►[3, 4]◄ and all Repairs are certified ►◄[5].

5. The TAA ►◄ **should** ensure the management of TAw activity is detailed in the ►TAw◄ Strategy[6] and conducted by Competent organizations[7]. This **should** include up-to-date lists of those with Civil Type Certificate Holder (CTCH) or Civil

[1] Refer to CAP 562 – Civil Aircraft Airworthiness Information and Procedures (CAAIP).
[2] ►Where the Air System is not UK MOD-owned, Type Airworthiness (TAw) management regulatory responsibility by either the TAA or Type Airworthiness Manager (TAM) needs to be agreed within the Sponsor's approved model; refer to RA 1162 - Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems, or refer to RA 1163 - Air Safety Governance Arrangements for Special Case Flying Air Systems. Dependent on the agreed delegation of TAw responsibilities TAM may be read in place of TAA as appropriate throughout this RA.◄
[3] Refer to RA 5810 – Military Type Certificate (MRP 21 Subpart B).
[4] Refer to RA 5820 – Changes in Type Design (MRP 21 Subpart D).
[5] Refer to RA 5865 – Repairs (MRP 21 Subpart M).
[6] Refer to ►RA 5010 – Type Airworthiness Strategy.◄
[7] Refer to RA 1005 – Contracting with Competent Organizations.

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Supplemental Type Certificate Holder (CSTCH) obligations and records of engagement during any transfer of such obligations[8] in the event of the cessation of trading of a CTCH or CSTCH.

6. The TAA ►◄ **should** undertake a Training Needs Analysis in relation to the differences between the civil-type course requirements for the issue of an EASA Part 66 type rating and the need for additional training for the equipment fitted in order to undertake military operations.

7. The Military Continuing Airworthiness Manager (Mil CAM) **should** ensure, on behalf of the ADH / AM(MF), that the training derived from the requirement at paragraph 6 is completed, prior to the issuance of certifying privileges by the Approved Maintenance Organization.

8. The Mil CAM **should** ensure that the CAw arrangements[9] comply with the MRP. The Mil CAM **should** ensure there is an exchange of Exposition and sharing of information with the EASA Part M Subpart G Continuing Airworthiness Management Organization (CAMO) and, upon request, with the UK CAA[10].

9. The Mil CAM **should** assure the Delivery Duty Holder or AM(MF) that all Maintenance is carried out by organizations that hold current EASA Part 145 Approvals for the scope of work undertaken, in addition to MRP Part 145 Approvals achieved through the supplement route.

10. The Mil CAM **should** ►agree◄ the initial Rectification Interval Extension (RIE) and apply to the MAA for any further RIE requests ►as detailed in Annex A.◄

11. The TAA ►◄ **should** ensure that contracts placed for the conduct of EASA Part M and EASA Part 145 activity includes ►the need for◄ UK CAA Audit reports ►to be◄ forwarded to the appropriate MAA CAw Desk Officer within 10 working days of receipt.

12. ►Where an urgent operational or exceptional Airworthiness need arises which requires deviation from conformity with the approved Air System Document Set (ADS), the ADH or senior Operational Commander[11] present **should** personally authorize the deviation and ensure the MAA are informed at the earliest opportunity, that being a maximum of 7 calendar days after the exception has been authorized[12].◄

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13. The UK CAA has agreed to support the MOD in providing oversight of civil-type military Air Systems. This support is covered under the joint UK CAA / MAA policy and principles for UK CAA oversight of UK military registered ►Aircraft◄ described in CAP 562 Leaflet B-40[10] and the detailed arrangements are set down in contracts between the UK CAA and relevant MOD Delivery Team.

14. When the TAw and CAw of UK military registered ►Aircraft◄ are subject to oversight by the UK CAA, the following ►will◄ be considered:

a. The TAA ►will◄ consider the implications of any deviations between the intended full standard Statement of Operating Intent and Usage and the Design Usage Spectrum assumed in the civil Type Certification Basis. Any deviations are to be quantified through liaison with the UK CAA, and the CTCH or CSTCH. In consultation with the Mil CAM, the TAA ►will◄ also consider any implications of the deviations for the TAw and CAw arrangements. The implications of operating outside the limitations and assumptions applied by the CTCH or the CSTCH and / or the State of Design ►will◄ always be fully discussed with the CAA and CTCH or CSTCH as soon as possible. Any implications for CAw ►will◄ be discussed with the ADH through the Mil CAM.

[8] As defined in EASA Part 21 B, D or E: specifically, those obligations detailed within 21.A.44, 21.A.109 or 21.A.118 respectively.
[9] Refer to RA 1016 – Military Continuing Airworthiness Management.
[10] CAP 562 Leaflet B-40 paragraph 3.3.1.d details the information expected to be within the Continuing Airworthiness Management Exposition for CAA oversight arrangements that **should** be shared with the Civil CAMO and, upon request, the ►UK◄ CAA.
[11] ►Refer to RA 1020 – Aviation Duty Holder – Roles and Responsibilities, paragraph 14.
[12] The 7 calendar day requirement is equal to that within which the civil CAM is required to notify the CAA iaw CAP562 leaflet B-40.◄

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b. Whilst the MOD retains the right to vary the limitations within which these UK military registered ►Aircraft◄ are operated without the agreement of the UK CAA, the TAA ►will◄ take into account that such deviations may have an effect on the right to use common spares and the ultimate return of the ►Aircraft◄ to the UK Civil Aircraft Register.

c. Where a Design Organization is ►◄ employed to modify the Air System, the TAA ►will◄ ensure full liaison between the organization approved to meet the requirements of EASA Part 21 Subpart J and the UK CAA. CAP 562 Leaflet B-40 requires that for Air System operating under UK CAA oversight, any Modifications ►are◄ approved by EASA or reviewed by the UK CAA following the ►UK CAA Statement of Technical Satisfaction◄ process.

d. EASA manages all Civil Type Certificates and Civil Supplementary Type Certificates. When entering the construct of UK CAA oversight of a UK military registered ►Aircraft◄, the UK CAA does not provide oversight of the TAw of ►Design Changes◄ provided with a ►UK CAA Statement of Technical Satisfaction.◄ It is for the TAA ►◄ to ensure that suitable instructions for CAw are in place and being updated (by contract if required).

15. In order to give the UK CAA confidence to permit the use of common spares with civilian operators, and to allow smooth transition of the ►Aircraft◄ back to the UK Civil Aircraft Register, the TAA ►will◄ afford the UK CAA:

a. Full visibility of the type of flying, and the details of Repair, overhaul, Maintenance and Modification of each Air System.

b. The opportunity to evaluate and decide if the Air System remains a candidate for an International Civil Aviation Organization compliant Certificate of Airworthiness.

c. The opportunity to Audit as required.

16. If during any work carried out to assess and validate MOD clearances[13], the TAA identifies any anomalies, contradictions or abnormal Risks in the civil clearances, they are to draw them to the attention of the UK CAA for guidance and action. If the UK CAA decides to take no action, the TAA ►will◄ consider whether the Risks are such that MOD specific action is necessary.

17. Basic Regulation (EU) 2018/1139 applies as law in the UK and allows Air Systems to be released under ►UK CAA Part 145 /◄ EASA Part 145 (and other Parts as appropriate). This law (and associated Implementing Rules) does not apply to UK military registered ►Aircraft◄ as they are 'State Aircraft'. The treatment of State Aircraft has been clarified by EASA in its note: Cologne/Jan/kgu/R(4)2013(D) 5I397 dated 20 Mar 13 – Rulemaking interpretation on "Maintenance release of aircraft not covered by the Basic Regulation". Accordingly, CAP 562 Leaflet B-40 obliges Maintenance providers to hold an ►UK CAA Part 145 /◄ EASA Part 145 Approval to ensure that the organization meets the ►UK CAA Part 145 /◄ EASA Part 145 standards and enables access to civil spares, but does not authorize them to release the Air System to service using this Approval for the reasons described above. The MAA accepts the release statement made in accordance with (iaw) CAP 562 Leaflet B-40. In order for the Air System to remain subject to UK CAA oversight iaw CAP 562 Leaflet B-40, it will be necessary for the Contractors to continue to hold ►UK CAA Part 145 /◄ EASA Part 145 and / or EASA Part M Subpart G with Subpart I privilege Approvals. In addition, the MAA requires ►UK CAA Part 145 /◄ EASA Part 145 organizations to hold an MRP Part 145 Approval achieved through the supplement route.

18. For Air Systems subject to CAP 562 Leaflet B-40 arrangements the Military Airworthiness Review Certificate (MARC)►[14]◄ includes the civil Airworthiness Review (AR), undertaken by an EASA Part M Subpart G with Subpart I privileges. The civil AR certificate cannot be released, as the EASA Regulation does not apply to State Aircraft, as described above. The civil AR is undertaken to meet the requirements of providing evidence to the Mil CAM that the Air System has remained within the civil "controlled environment" for the previous 12 months. In order to remain within the

[13] MOD clearances refer to MOD Modifications / Repairs (non-civil approved) or limitations.
[14] Refer to RA 4971 – Military Airworthiness Review and Certification - MRP Part M Sub Part I.

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limits of the civil framework, such that the Air System does not fall out of civil oversight, the MARC extensions of up to 90 calendar days ►◄[14] are not to be applied to Air Systems subject to this RA.

19. ►◄

Guidance on MEL

20. MELs are a necessary component of the fixed Risk Management construct operated by the civil Airworthiness system, providing operators and maintainers authoritative guidance, as Approved Data, on the Fault tolerance limits[15] of the Air System. Air Systems operated under this Regulation will require MELs to provide operational flexibility to the users within the Service Environment. In addition to the MEL derived from the MMEL for the civilian type certified Air System, the MOD may wish to provide a MEL Military Supplement (MELMS) for those items used for military purposes not already specified (such as military communications equipment). All MELMSs ►will◄ follow the style and layout of the UK CAA assessed MEL and ►will◄ be derived from a documented assessment of the impact on safe operation of the Air System in the event of one or multiple failures. It ►will◄ also specify that, if deferred, the items contained within the MELMSs pose no Hazard to the overall Airworthiness of the Air System.

RIEs

21. Latitudes for extending the deferral of items listed within the MEL are known within the civil system as RIE. An RIE is a single 100% extension to the rectification interval for the acceptance of Faults to the item or system as specified within the MEL. As an example, an item that has been deferred for 3 days iaw the MEL rectification interval may only be granted a maximum deferral of 3 further days using the RIE process. ►A deferred Fault may not be reviewed and re-deferred outside of this process (ie it is not acceptable for the licenced engineer to review a deferred Fault and continually defer it outside of the RIE process).◄ A further extension ►◄ may only be granted by the MAA, in consultation with the UK CAA, and ►be made iaw RA 1165 Annex A. Further extension◄ of RIE ►will◄ be agreed by the Mil CAM ►and processed by the Mil CAMO on behalf of the Civil CAM. This does not remove the ability for the Leaflet-B-40 exceptions process[16] to be used if deemed appropriate.

22. If a deviation from the civil approved ADS is approved, details to be communicated to the MAA, as a minimum, include:

a. Clear definition of the approved exception.

b. Risk Assessment including any associated mitigation.

c. Proposed action to bring the Air System back within the civil oversight framework.

23. Communications with the MAA regarding exceptions to the civil approved ADS may be sent direct to the relevant MAA OpAssure CAw Desk Officer or CAw Head of Branch (HOB) CAMO[17].◄

[15] Such as Tolerable avionic failures or redundancy of multiple Systems.
[16] ►Refer to the Exceptions paragraph detailed in Leaflet B-40 (https://www.caa.co.uk/our-work/publications/documents/content/cap-562-sa-b-40/).
[17] Via DSA-MAA-OA-ACC@mod.gov.uk.◄

►Annex A

Initial contact needs to be made to the relevant MAA OpAssure CAw Desk Officer or CAw HOB CAMO[17, 18] with the following:

1. Contact details for Regulated Entity (ie the person to contact if the further extension request is approved).
2. Summary of why the initial RIE is required.
3. MEL Defect Information:
    a. Initial RIE reference number (unit generated).
    b. Aircraft registration.
    c. Aircraft Type.
    d. Date of defect.
    e. Rectification Interval Category.
    f. MEL Reference.
    g. Expiry date of Rectification Interval.
    h. Detail of the defect.
4. Deferred History:
    a. Date and details of the initial and / or subsequent RIE requests associated with this application.
    b. Date Civil CAMO consulted.
5. Further RIE extension:
    a. Justification for further deferral, including the reason for non-rectification (ie where has the process fallen down that means this further RIE extension is required).

        Note:

        This does not remove the requirement for the unit to submit a Defence Air Safety Occurrence Report (DASOR) if it is deemed appropriate.

    b. Is there an Airworthiness and / or Operational impact? If so, detail the planned mitigation.
    c. Proposed date of further RIE extension expiry.◄

[18] ►If the relevant MAA Desk Officer is not available, then the MAA Duty Officer can be contacted (via 07799 772101).◄

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